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Letter dated 9 September 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 22 July 2002 (S/2002/816).

The Counter-Terrorism Committee has received the attached supplementary report from Iceland submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its attachment to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 30 August 2002 from the Permanent Representative of Iceland to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

In response to your letter dated 7 June 2002, I have the honour to enclose herewith a supplementary report from Iceland to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001) (see enclosure).

(*Signed*) Thorsteinn **Ingólfsson**
Ambassador
Permanent Representative

Enclosure

Iceland's second report to the Counter-Terrorism Committee established pursuant to paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001 on international cooperation to combat threats to international peace and security caused by terrorist acts

29 August 2002

Introduction

Since Iceland submitted its report on 27 December 2001 it has ratified the International Convention for the Supression of Terrorist Bombings of 15 December 1997 and the International Convention for the Supression of the Financing of Terrorism of 9 December 1999. The Icelandic Penal Code (IPC) has consequently been amended (the Amendment) in order to fulfill the obligations of Iceland under these conventions. The purpose of the Amendment was also to enact into the Penal Code the substantive part of Security Council Resolution No. 1373/2001.

The Amendment, Act No. 99/2002, entered into force on 10 May 2002. To a large extent, it will supersede the Public Announcement made on 14 November 2001. This Announcement was regarded as a temporary instument until the Penal Code would be amended. An amendment of the Public Announcement is now under consideration.

The Outline of the Amendment

1. Icelandic criminal jurisdiction

a. Article 6 (13) provides that IPC shall apply to acts which are within the scope of the International Convention for the Supression of Terrorists Bombings regardless of were the acts are committed.

b. Article 6 (14) contains similar provisions for acts within the scope of the International Convention for the Supression of the Financing of Terrorism.

2. Terrorism

Under Article 100 c terrorism is criminalized, subject to penalty of a maximum of life in prison. In order to fall under the scope of Article 100 a, acts committed must fulfill several criteria or conditions. Their purpose(s) must be at least one of the following:

a. To cause considerable fear among the public;

b. To force Icelandic authorities, foreign authorities or international organisations to take action or to remain passive;

c. To weaken or cause harm to constitutional, political, economical or social foundations of any state or international organisation.

Acts must involve at least one of the following crimes which are subject to penalty according to the IPC:

a. Manslaughter;

b. Assault;

c. Deprivation of liberties;

d. Threat to traffic safety, causing disorder to public transport or causing considerable damage toproperty, and be committed in such way that they threaten human life and and could cause considerable damages to property;

e. Hijacking of aircraft or causing threat to people staying in international airports;

f. Arson, causing explositions, circulation of dangerous gases, causing of flooding, shipwreck, accident or failure of trains, cars or aircraft, general shortage of drinking water or contaminating water sources or water pipes or poisioning or placing dangerous substances in merchandise or objects for public use.

It is a further condition that the acts, considering their nature and circumstances when and where they were committed,must have the potential possibility to seriously harm a state or international organisation.

Under this article it is also subject to same penalty to threaten to commit terrorist acts.

3. Financing of Terrorist Acts.

Article 101 b applies to the financing of terrorist acts and terrorist groups. The article declares it as criminal activity to support, both directly and indirectly, by granting money or other financial means to a person, association or group of people that aim to commit terrorist acts as defined in Article 101 a. Furthermore, it is unlawful to provide or collect capital for such person, association or group of people or make capital available to them in any other way.The penalty for committing these kinds of acts is a maximum of ten years inprisonment.

4. Support to Terrorist Groups

Article 100 c makes itsubject to penalty to assist, by words or actions, persuasion, motivation or by some other means to support the criminal acts described in Articles 100 a and 100 b or to express support for the policy of an association or group which have committed such crimes as described in Articles 100 a and 100 b and which activities or policy imply that such crimes are committed. The maximum penalty for such crimes is six years imprisonment.

With reference to sub-paragraphs as stated in CTC letter of 7 June 2002 addressed to the Permanent Representative of Iceland:

Sub-paragraph 1 (a)

Act No. 5/1969 regarding the implementation of Security Council Resolutions grants the Icelandic government the permission or power to implement Security Council Resolutions by Public Annoncements when the government deems it necessery in order to make the contents of the resolutions binding within Icelandic territory and jurisdiction. The Act was enacted in order to facilitate Iceland's fulfillment of its obligations as a member state of the United Nations.

The Act makes it subject to penalty to disregard or act against the provisions of such Public Annoncement. The maximum penalty is two years imprisonment. The Government of Iceland has made use of Act No. 5/1969 on several occations but hitherto nobody has been sentenced under the Act.

Public Announcement No 867/2001 was intended as a temporary measure, as stated above. It prohibits Icelandic citizens, Icelandic entities, foreigners who stay in Iceland and foreign entities engaged in activities in Iceland to collect money or other kinds of financial means for those who engage in terrorist acts as such activities are criminalized under then existing IPC. It should be pointed out in this connection that the Announcement was published before the Amendment was made to the IPC.

The Announcement also prohibits those persons and entities mentioned above to become bailees for terrorists or give them any kind of financial advice. Bailees are also prohibited to hand over to terrorists money or other financial means.

Furthermore, according to the Public Annoncement it is is obligatory for natural or legal persons who are authorize to provide financial services to the public to report suspicious transactions that might be linked to terrorist activites to the National Commissioner of the Icelandic Police.

Public Announcement No. 867/2001 provides that persons and legal persons authorized to provide financial services to the public are under legal obligations to report suspiscious transactions that might be linked to terrorists. According to Icelandic law only authorized persons or legal persons can undertake transactions of money and other financial means for the public. Transactions in this respect apply to a wide range of activites and not only to traditional banking services.

Sub-paragraph 1 (b)

As stated above, Iceland has ratified the International Convention for the Suppression of the Financing of Terrorism and the IPC has been amended accordingly.

Sub-pararaph 1 (c)

Under the provisions of the Act on Public Proceedings No. 19/1991 the Police has the duty to take into its custody anything that might have been gained or obtained through criminal activities. The Police is therefore obliged to take action in order to freeze funds of terrorists or terrorist groups due to the fact that the financing of such activities is defined as a criminal act under article 100 b as is further described above.

Sub-paragraph 1 (d)

Based on the provisions of the Act on Measures against Money Laudering No. 80/1993 natural and legal persons authorized to provide financial services to the public inform the National Commissoner of the Icelandic Police of all suspicious transactions. The National Commissioner investigates all such transactions and takes appropriate action when criminal activity is suspected.

The role of the authorized persons is reiterated in Public Announcement No. 867/2001 in connection with the possible financing of terrorism.

Sub-paragraph 2 (a)

It is deemed that that the recruitment of members for terrorist groups in Iceland falls within the scope of Article 100 c of the IPC.

These activities are all within the scope of Articles 100 b and 100 c of the IPC.

Sub-paragraph 2 (b)

The National Commissioner of the Icelandic Police is the central authority of policing in Iceland. He is the highest authority of narcotics control and financial tracing. Furthermore, he has the role of contact person with police authorities in other states and international police organizations.

If necessary, the National Commissioner has close co-operation with the Icelandic Immigration Authority.

Sub-paragraph 2 (c) and (d)

Reference is made to the Amendment of the IPC described above.

Sub-paragraph 2 (e)

In accordance with Articles 100 b and 100 c of the IPC, the terrorists acts listed in sub-paragraph 2 (e) have been criminalized in Iceland. Iceland has criminal jurisdiction to deal with the crimes referred to in the third question in the sub-paragraph as stated in Article (6), (13) and (14) of the IPC, as has been explained.

Sub-paragraph 2 (f)

Hitherto the Icelandic police authorities have received no requests for judical assistance in relation to the financing or support of terrorist acts. According to internal working rules of the National Commissioner of the Icelandic Police such request should be given top priority.

Sub-paragraph 3 (a) and (b)

As has already been stated, the National Commissioner of the Icelandic Police is the highest police authority in Iceland and is the contact person with foreign police authorities. He has engaged in contact with foreign national police authorites in connection with acts as defined in sub-paragraphs 3 (a) and (b) of Security Council Resolution 1373 (2001). However, neither have formal agreements been reached nor has legislation been enacted for these purposes.

Sub-paragraph 3 (c)

Iceland has not concluded any bilateral agreements with the purpose to prevent and supress terrorist attacks and take action against perpetators of such acts. No reqests for concluding such agreements have been received from other states.

Iceland is a party to the European Convention on the Suppression of Terrorism done at Strasbourg on 27 January 1977.

Sub-paragraph 3 (d)

Reference is made to the Report submitted to the CTC by letter of 27 December 2001 from the Permanent Mission of Iceland. Iceland has now become a party to all conventions listed in the Report.

Sub-paragraph 3 (e)

This qestion is not applicable since Iceland has not concluded any bilateral agreements on this matter.

Sub-paragraph 3 (f)

No legislation nor special machanisms are in force in this respect. Icelandic authorities base their decisions on intellegence information gathered from foreign central immigration authorities.

Iceland will become a member of Eurodac in the year 2003.

Sub-paragraph 3 (g)

The policy of Iceland remains unchanged in this respect, and reflects also Iceland's practice with regard to other states.

Paragraph 4

Icelandic police authorities are of course aware of these circumstances. Suspicious cases have been investigated but such connections have not been proven.

Other matters:

The requested organizational chart of the adminstrative machinery will be provided to the CTC at earliest possibility.